

EPA Hot Topics

Updated: October 4, 2019

Impeachment:

* I believe the President will be fully exonerated, as he has been with all other House Democrat investigations.

* I'm focused on the mission of the Agency of protecting human health and the environment. House Democrats should focus on what's best for the nation and not another meritless investigation.

Climate Change

* At EPA, we are addressing Climate Change, and as a Nation, we continue to grow our economy, while also protecting our environment.

* Here in the U.S., our fossil fuels are extracted and produced in a more environmentally conscious manner than anywhere else in the world.

* From 2005 to 2017, total U.S. energy-related CO2 emissions fell by 14 percent, while the U.S. became the number one energy producer in the world.

* In contrast, global energy-related CO2 emissions increased over 20 percent.

* And since 1990, U.S. natural gas production has more than doubled.

* Over that period, methane emissions from natural gas production fell by over 16 percent.

* From 1990 to 2018, annual emissions of sulfur dioxide (SO2) from coal-fired power plants fell by over 90 percent while emissions of (nitrogen oxides) NOx fell by over 80 percent. And in the past decade alone, mercury emissions from power plants have decreased by nearly 90 percent.

Climate Science/Advisory Boards:

* EPA is committed to scientific integrity and transparency.

* EPA has the utmost confidence in its career scientist and the members on its science advisory boards and panels.

* EPA routinely takes comments from the public and outside organizations, including those not employed or associated with EPA, and will continue to take into consideration those comments that meet our scientific standards.

Air Quality

* According to the World Health Organization, the U.S. has some of the lowest fine particulate matter levels in the world.

o U.S. fine particulate matter levels are five times below the global average, seven times below Chinese levels, and well below France, Germany, Mexico, and Russia.

* Much of this progress has taken places in low-income counties across the country.

* Based on the most recent monitoring data from 2017, 86% of low-income counties were in attainment with EPA's National Ambient Air Quality Standards (NAAQS), compared to 43% in 2008.

* We are helping areas across the nation reduce air pollution and meet the nation's air quality standards.

* By doing so, many regions across the country are moving from non-attainment to attainment.

* This is breathing new life into the local economy by alleviating a major regulatory burden.

Paris Climate Agreement

* The U.S. position with respect to the Paris Agreement has not changed. The U.S. intends to withdraw from the Paris Agreement, absent the identification of terms for participation more favorable to the U.S.

* For most countries that sign the Paris Agreement, there are no negative consequences if they don't meet the targets.

* However, under U.S. law, specifically the Clean Air Act, if we go forward with the Paris Agreement and we don't meet our targets, we can be sued by NGOs to force us to meet the targets.

* We are one of the only countries in the world where that could happen. When I explain that to other countries, they say, "No wonder you have concerns."

Lead and Copper Rule

* As part of Children's Health Month, the U.S. Environmental Protection Agency (EPA) is announcing a proposed rule that significantly improves the actions that water systems have to take to reduce lead in the nation's drinking water.

* This action represents the first major overhaul of the Lead and Copper Rule since 1991 and marks a critical step in advancing the Trump Administration's Federal Action Plan to Reduce Childhood Lead Exposures.

* Although we have made tremendous progress in removing lead from our nation's drinking water, some children and communities are still being exposed to lead.

* EPA is delivering on President Trump's commitment to ensure all Americans have access to safe and clean water by proposing a new Lead and Copper Rule that requires action sooner, increases transparency, and safeguards our children and most at-risk communities.

* In conjunction with today's announcement, EPA and the Department of Housing and Urban Development have launched a new website that summarizes available federal programs that help finance or fund lead service line replacement. The new resource also includes case studies demonstrating how cities and states have successfully leveraged federal resources to support lead service lines (LSLs) replacement projects.

* The agency's proposal takes a proactive and holistic approach to improving the current rule—from testing to treatment to telling the public about the levels and risks of lead in drinking water. When finalized, this proposal will:

- o Require more water systems to act sooner to reduce lead levels and protect public health;

- o Improve transparency and communication; and,

- o Better protect children and the most at-risk communities.

* The proposal focuses on six key areas. Under the proposal, a community water system would be required to take new actions, including, but not limited to:

- o 1) identifying the most impacted areas by requiring water systems to complete and maintain a publicly-available inventory of the LSLs at homes and requiring water systems to "find-and-fix" sources of lead when a sample in the home exceeds 15 parts per billion (ppb).

- o 2) strengthening drinking water treatment by requiring corrosion control treatment based on tap sampling results and establishing a new trigger level of 10 ppb (e.g. trigger level outlined below). Water systems will also be required to "find-and-fix" sources of lead by adjusting treatment or water chemistry when a sample in the home exceeds 15 ppb.

- o 3) replacing lead service lines by requiring water systems to replace the water system-owned portion of an LSL when a customer chooses to replace their portion of the line. Additionally, depending on their level above the trigger level, systems would be required take LSL replacement actions, as described below.

- o 4) increasing drinking water sampling reliability by requiring water systems to

follow new, improved sampling procedures and rethink sampling sites to better target higher lead levels.

- o 5) improving risk communication to customers by requiring water systems to notify customers within 24 hours if a sample collected in their home is above 15 ppb. Water systems will also be required to conduct regular outreach to the homeowners with LSLs.
- o 6) better protecting children in schools and child care facilities by requiring water systems to take drinking water samples from the schools and child care facilities served by the system.

RFS

* This past week, EPA announced that President Trump successfully negotiated an agreement on the Renewable Fuel Standard (RFS).

* Under this agreement, the following actions will be undertaken by EPA and USDA:

- o In a forthcoming supplemental proposal building off the recently proposed 2020 Renewable Volume Standards and the Biomass-Based Diesel Volume for 2021, EPA will propose and request public comment on expanding biofuel requirements beginning in 2020.

* EPA will seek comment on actions to ensure that more than 15 billion gallons of conventional ethanol be blended into the nation's fuel supply beginning in 2020, and that the volume obligation for biomass-based biodiesel is met. This will include accounting for relief expected to be provided for small refineries.

* EPA intends to take final action on this front later this year.

* In the most recent compliance year, EPA granted 31 small refinery exemptions.

* Building on the President's earlier decision to allow year-round sales of E15, EPA will initiate a rulemaking process to streamline labeling and remove other barriers to the sale of E15.

* EPA will continue to evaluate options for RIN market transparency and reform.

* USDA will seek opportunities through the budget process to consider infrastructure projects to facilitate higher biofuel blends.

* The Administration will continue to work to address ethanol and biodiesel trade issues.

* Since taking office in 2017, the Trump Administration has enacted tax and regulatory policies that have helped make America energy dominant.

* The Administration has cut burdensome red tape through deregulation, including signing a record number of Congressional Review Act (CRA) legislation, repealing the Waters of the United States (WOTUS) rule, reforming the Section 401 process under the Clean Water Act, proposing a new methane rule, and removing the U.S. from the job-killing Paris Climate Accord.

* The Administration has also expedited permitting approvals, has opened up federal land for development, including the Arctic National Wildlife Refuge (ANWR), and will continue to enact pro-growth energy policies to expand American energy dominance.

* EPA will continue to consult with our federal partners on the best path forward to ensure stability in the Renewable Fuel Standard.

* The Trump Administration has overseen year-over-year increases in domestic fuel ethanol production, to the highest level in history and the United States exported a record volume of ethanol in 2018 for the second consecutive year.

* The President will always seek to engage with stakeholders to achieve wins for the agriculture and energy sectors

California:

* Highlighting that California has the worst air quality in the nation along with other serious environmental problems is not a political issue. The Trump Administration, unlike the previous administration, will act to protect public health and the environment for all Americans.

* California's inability to comply with the Safe Drinking Water Act has been an ongoing challenge, and was brought to my attention at the Energy & Commerce hearing back in March.

* Congresswoman Barragan asked me about the drinking water in Compton, and I went back to my staff and started looking into it.

* First of all, she only gave me the opportunity to answer 2 "yes or no" questions, so I couldn't explain it to her at the time.

* We delegated the water programs to California, so they are the first line of defense. So were taking a look at a lot of the problems in the California water systems and we outlined them in the letter."

San Francisco Notice of Violation:

* The Administrator's September 26 letter to Governor Newsom is an oversight letter to the State about their implementation of the Clean Water Act and the Safe Drinking Water Act.

* Oversight of State program implementation and oversight of regulated entities are separate issues.

* On October 2, EPA notified the San Francisco Public Utilities Commission, a regulated entity, that it has identified violations of the City and County of San Francisco's National Pollutant Discharge Elimination System permits regulating discharges from the city's wastewater treatment plants, 36 combined sewer discharge facilities and its combined sewer system, based on inspections and field visits in 2015 and 2016, and subsequently gathered information, such as monitoring data.

* As the notice explains, the failure to properly operate and maintain the City's sewage collection and treatment facilities creates public health risks.

* For example, lack of proper operation and maintenance has caused force main and pump station failures that have diverted substantial volumes of raw and partially-treated sewage to flow across beaches and into the San Francisco Bay and the Pacific Ocean.

* EPA expects San Francisco to share our concern for the protection of public health and surface water resources and to address its ongoing Clean Water Act violations with significant and meaningful measures to ensure a prompt return to full compliance.

CA Water Letter

* Thursday, September 26, EPA sent a letter to Governor Newsom outlining California's failure to protect Californians from degraded water.

* The letter outlines deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

* EPA is aware of numerous recent health-based exceedances under the Safe Drinking Water Act.

* These exceedances call into question the State's ability to protect the public and administer its SDWA programs in a manner consistent with federal requirements.

* We are also aware of the growing homelessness crisis developing in major California cities, including Los Angeles and San Francisco, and the impact of this crisis on the environment.

* The U.S. EPA stands ready to assist California and CalEPA to protect the health and environment of Californians.

* In order to ensure that appropriate steps are being taken to protect the 40 million Americans living in California, we are asking for a remedial plan from the state detailing the steps it's taking to address the multitude of issues raised in our letter.

CA Air Letter

* Tuesday, September 24, EPA sent a letter to California Air Resources Board Chair Mary Nichols requesting the state withdrawal its backlog and unapproved State Implementation

Plans, and work with EPA to develop complete approvable SIPs.

* Since the 1970s, California has failed to carry out its most basic tasks under the Clean Air Act. California has the worst air quality in the United States with 82 areas that don't obtain National Ambient Air Quality Standards are max and 34 million people living in areas that do not meet the max, more than twice as many people than any other state in the country.

* The state of California represents a disproportionate share of the national list of backlog SIPs, roughly one-third of EPA's overall SIP backlog.

* California's total portion of the SIP backlog is more than 136 with many dating back decades. Most of these SIPs are inactive and appear to have fundamental issues related to approvability.

* In the event California fails to withdrawal these SIPs, EPA will give begin the disapproval process for individual plans which triggers statutory clocks for three things: highway funding sanctions; new source review permitting sanctions; a deadline for the issuance of a federal implementation plan for the area.

* To ensure progress is being made on improving air quality in California, EPA requested a response from CARB by October 10th indicating whether it intends to withdrawal these SIPs. EPA stands ready to work with California to meet the administration's goal of clean healthy air for all Americans.

One National Program Rule; SAFE step 1

* The Trump Administration is revoking California's Federal Waiver on emissions in order to ensure that there is one and only one set of national standards for fuel economy and emissions. This will produce far less expensive cars for the consumer, and because new cars are safer, this action will make the U.S. fleet substantially safer.

* Today's action will save lives, save money for consumers, and create jobs across our nation.

* President Trump promised the American people that his Administration would address and correct the current fuel economy and greenhouse gas emissions standards, and today, his Administration is taking steps to fulfill this promise.

* One national standard provides much-needed regulatory certainty for the automotive industry and sets the stage for the Trump Administration's final SAFE rule that would save lives and promote economic growth by reducing the price of new vehicles and helping more Americans purchase newer, cleaner, and safer cars and trucks.

SAFE

* The SAFE vehicle rule is a top priority for EPA and the Trump Administration. EPA and NHTSA career and political staff have been and continue to work diligently through the OMB review process to finalize the rule.

* When implemented, the rule will benefit all Americans by improving the U.S. fleet's fuel economy, reducing air pollution, and making new vehicles more affordable for all Americans.

* As new vehicles are safer than ever, ultimately, the SAFE rule will save thousands of lives and reduce the cost of a new car by thousands of dollars, while creating jobs across our nation.

* When finalized, this rule will be a win for all Americans.

WOTUS

Water quality will not be harmed as EPA and the Army repeal the unlawful Obama Administration WOTUS rule [1]* The previous administration's 2015 rule wasn't about water quality. It was about power - power in the hands of the federal government over farmers, developers, and landowners.

* The final Step 1 rule will end the regulatory patchwork that included implementing two competing Clean Water Act regulations, which created uncertainty across the United States.

* EPA will go forward with finalizing the Step 2 proposal that would give states and tribes more flexibility to determine how best to manage waters within their orders, in accordance with the objective and policies of the Clean Water Act.

* The proposal's new, more precise definition will mean that farmers, land owners, and businesses will spend less time and money determining whether they need a federal permit and more time upgrading aging infrastructure, building homes, creating jobs, and growing crops to feed our families.

* This action continues President Trump's deregulatory agenda. Under President Trump, EPA has finalized 46 deregulatory actions, saving Americans more than \$3.7 billion dollars in regulatory costs. We have an additional 45 actions in development projected to save billions more.

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* Wednesday, August 28, EPA took an important step toward removing inappropriate regulatory duplication, that aims to save the oil and natural gas industry in the United States many millions of dollars in compliance costs.

* This action by EPA responds to President Trump's Executive Order on Promoting Energy Independence and Economic Growth. That order directs agencies to review existing regulations that potentially "burden the development or use of domestically produced energy resources," including oil and natural gas, and to rescind or suspend regulatory requirements if appropriate.

* Our proposal seeks to stop burdensome and costly federal regulations impacting the oil and natural gas industry that add extra cost to domestic energy production while providing minimal environmental benefit.

* Oil and gas are valuable resources, and the industry has every incentive to minimize emissions and maximize use.

* Since 1990, natural gas production in the United States has almost doubled while methane emissions across the natural gas industry have fallen by nearly 15 percent.

* Our regulations should not stifle this innovation and progress in an industry that is so vital to the U.S economy.

* Cost Savings:

o The bottom line for the industry and our economy is that by rescinding inappropriate duplicate regulations, we'll continue to provide substantial environmental protection while saving the industry millions of dollars over many years.

o Our regulatory impact analysis estimates that the proposed amendments would save the oil and natural gas industry \$17-\$19 million a year, for a total of \$97-\$123 million from 2019 through 2025.

ACE

* One of President Trump's first acts in office was to direct EPA to rescind and replace the Clean Power Plan.

* The CPP would have asked hard-working Americans to bear the cost of the previous administration's climate plan.

* Earlier this summer we released the final Affordable Clean Energy rule.

* ACE will give states and the private sector the regulatory certainty they need to invest in new technologies and continue to provide affordable and reliable energy.

* When ACE is fully implemented, we expect to see U.S. power sector CO2 emissions fall by as much as 35% below 2005 levels and reductions in sulfur dioxide (SO2), nitrogen oxides (NOx), and particulate matter (PM) emissions.

* Unlike the CPP, our ACE rule adheres to the four corners of the Clean Air Act.

* It gives states the regulatory certainty they need to continue to develop diverse and reliable energy portfolios.

* EPA projects that ACE will result in annual net benefits of anywhere from \$120

million dollars to \$730 million dollars.

Superfund

* In FY 2019, we deleted all or part of 27 sites from the National Priorities List, the largest number of deletions in one year since 2001.

* We believe that a site on the National Priorities List should be just that - a national priority.

* By strengthening the Superfund program, we are breathing new life and new opportunity into disadvantaged communities around the country.

* Promoting Redevelopment and Community Revitalization: The Superfund Task Force has worked hard to increase the number of NPL sites that are returned to communities for redevelopment. In 2018, we made 51 sites ready for their anticipated re-use, the highest total since FY 2013.

PFAS

* Taking action to address per- and polyfluoroalkyl substances (PFAS) is a top priority for the Administrator, EPA leadership and the entire agency.

* The PFAS Action Plan is the first-ever multi-media, multi-program, national research, management and risk communication plan to address a challenge like PFAS.

* The plan identifies short-term solutions for addressing these chemicals and long-term strategies that will help provide the tools and technologies that states, tribes, and local communities need to provide clean and safe drinking water to their residents and to address PFAS at the source-even before it gets into the water.

* The agency is making progress on the PFAS Action Plan by developing tools and expanding the body of scientific knowledge needed to understand and effectively manage risk from PFAS compounds.

* Additional Background

o For example, the Agency is moving forward with the process to establish a national primary drinking water standard as outlined in the Safe Drinking Water Act (SDWA) for PFOA and PFOS.

o As the next step in this process, EPA will propose a regulatory determination for PFOA and PFOS by the end of this year and will work through the rulemaking process as expeditiously as possible. The Agency is also gathering and evaluating information to determine if regulation is appropriate for other chemicals in the PFAS family.

Trump Administration Achievements

* Our Nation is blessed with incredible natural resources. Resources that create jobs and improve lives.

* We know that we can extract and use these resources while protecting the environment at the same time. We don't have to choose between one or the other.

o From 1970 to 2018, the U.S. has reduced the six main air pollutants 74% while the economy grew over 275%.

o From 2005 to 2017, the U.S. reduced its energy-related CO2 emissions by 14%.

o And while these reductions occurred, we became the number one oil and gas producer in the world.

o In contrast, global energy-related CO2 emissions have increased over roughly 15% since 2005.

* On the water front, we've made similar progress.

o Today, we are ranked number one in the world for access to clean drinking water.

o In the 1970s, more than 40% of our nation's drinking water systems failed to meet even the most basic health standards.

o Today, over 92% of community water systems meet all health-based standards, all the time.

* We're making tremendous progress cleaning up contaminated lands and hazardous sites.

o In Fiscal Year 2019, EPA deleted all or part of 27 sites from the National Priorities List, the largest number of deletions in one year since Fiscal Year 2001.

Deregulation:

* Under President Trump, EPA has finalized 46 deregulatory actions, saving Americans more than \$3.7 billion dollars in regulatory costs.

* We have an additional 45 actions in development projected to save billions more.

* And a recent report found that we were the top agency in fulfilling President Trump's two-for-one executive order.

* During his first two years in office, we cut 26 regulations and created just four new ones.

Regulatory Certainty

* I think what is effective regulation is one that follows the law and will be held up in courts.

* We are putting forward a proposals that follows [2]the authority Congress has given us.

* I think that is the responsible thing for the agency to do.

* I don't think it's responsible with our form of government with three branches, I don't think it's EPA's job to write the legislation on its own.

* We have to follow the statutory constraints Congress has given us, and I think we are doing that under the ACE proposal.

Animal Testing:

* EPA is making significant efforts to reduce, replace and refine its animal testing requirements under both statutory and strategic directives, while ensuring protection of human health and the environment.

* EPA is aggressively pursuing significant reductions in the next 5 to 15 years to mammal studies, study requests and funding of this research.

* EPA is also awarding grants for the advancement of research on alternative methods to animal testing.

* Alternatives to traditional animal testing used by EPA will be those that ensure that the Agency's regulatory, compliance, and enforcement activities, including chemical and pesticide approvals and Agency research, remain fully protective of human health and the environment.

Newark Water:

* EPA has a long history of assisting cities including the City of Newark and states across the country address lead in drinking water.

o For example, in the past 10 years, Newark has received multiple drinking water State Revolving Fund (DWSRF) loans totaling \$66.5 million.

* The City of Newark, the U.S. Environmental Protection Agency (EPA) and New Jersey Department of Environmental Protection (NJDEP) have been working together to determine the efficacy of the filters being used to address lead in drinking water in the Newark area.

* Since mid-August, EPA has had internationally recognized experts on-the-ground [3]assisting with the collection and analysis of drinking water samples. The agency is also providing regular support to the city and the state, through technical calls and support.

* EPA continues to stand ready to assist the city and state as we work together as quickly as possible to resolve these issues and to ensure that all residents of Newark have access to safe drinking water.

Pesticides

* Feeding the country and feeding the world is essential. The Trump Administration is working hard to ensure U.S. farmers and ranchers have access to the best modern farming technologies so that they can continue to grow strong yields, feed the world and enhance our nation's food security.

* The federal government is working hard to ensure our farmers continue to have access to the safest & most effective pesticides, herbicides, fertilizers- among other important crop protection tools.

* The law requires EPA to review each of the over 700 commercially available registered pesticides and review/ re-register them every 15 years. In FY 219 alone, we are making 120 of these decisions to give farmers and ranchers the clarity they need surrounding the availability of these tools that are vital to production agriculture and ultimately rural economies.

* This is unlike some states across the country, like California, where for politically motivated reasons they have sought to ban scientifically-proven, otherwise safe pesticides that their own farmers and ranchers need in order to stop harmful pests and invasive plant species from ruining their yields.

* In April, we took the next step in the review process for glyphosate.

* We found - as we have before - that glyphosate is not a carcinogen and there are no risks to public health when glyphosate is used in accordance with its current label.

* On a similar front, we extended the registration of dicamba for two years, along with important new label restrictions.

* We tightened the application requirements in order to specifically help mitigate drift issues.

Prop 65/Glyphosate Labeling

* On Friday, Aug. 9, EPA issued guidance to registrants of glyphosate to ensure clarity on labeling of the chemical on their products.

* EPA will no longer approve product labels claiming glyphosate is known to cause cancer - a false claim that does not meet the labeling requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

* The State of California's much criticized Proposition 65 has led to misleading labeling requirements for products, like glyphosate, because it misinforms the public about the risks they are facing. This action will ensure consumers have correct information, and is based on EPA's comprehensive evaluation of glyphosate.

Sulfoxaflor

* On July 12, 2019, EPA issued a long-term approval for the insecticide sulfoxaflor- an effective tool to control challenging pests with fewer environmental impacts.

* This will bring long-term certainty to farmers as EPA had previously been issuing emergency exemptions for its use annually for several years and only for certain crops. Clearly, the full-term registration was warranted and the science backs it up.

* EPA conducted an extensive risk analysis on this product, including the review of one of the agency's largest datasets on the effects of a pesticide on bees ever,

EPA has approved the long-term use of sulfoxaflor on alfalfa, corn, cacao, grains (millet, oats), pineapple, sorghum, teff, teosinte, tree plantations, citrus, cotton, cucurbits (squash, cucumbers, watermelons, some gourds), soybeans, and strawberries.

Executive Orders on Guidance and Enforcement

* EPA strongly support transparency and fairness. These two executive orders provide us

with the opportunity to institutionalize reforms we are already implementing at the Agency. For example, the Office of Water has already completed a review of its guidance documents, including draft guidance that had never been finalized, even after 10 or more years. The Office of Enforcement and Compliance Assurance has already refreshed and expanded EPA's self-audit programs, the encourage companies to return to compliance more quickly.

[1]We want to replace those as well so I wouldn't praise them.

[2]Plural or singular? (I thought it was plural)

[3]Check with David Dunlap on whether these people are on the ground.

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